

App. No. 10/044,306
Amendment Dated August 24, 2005
Reply to Office Action of May 24, 2005

REMARKS

Claims 1-5, 11-15, 20-23, and 31 were pending in this application before submission of this paper. Claims 1-3, 11, and 20 have been amended and new claims 32-35 have been added to clarify the claimed subject matter. Claim 31 has been cancelled. No new matter has been added by the amendments or the new claims. Claims 1-5, 11-15, 20-23, and 31 are now pending in this application. In view of the amendments and the following remarks, reconsideration and allowance of all pending claims are respectfully requested.

Oath & Declaration

The oath and declaration were rejected as defective. A combined oath and declaration, signed and dated by the sole inventor on May 20, 2002, was mailed to the US Patent and Trademark Office on May 24, 2002 in response to a Notice of Missing Parts. A copy of the original combined oath and declaration is attached.

Rejections under 35 U.S.C. § 102

Claims 1-4, 11-14, and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,004,100 to Takimoto (hereinafter "*Takimoto*").

Amended Claim 1, as amended, recites in part, "encoding each of a plurality of portions of an information signal with a header, each header comprising one of the plurality of synchronization patterns."

Takimoto does not teach the limitations recited in Applicant's amended Claim 1. Instead *Takimoto* teaches "[i]n the group frame synchronization system of the present invention, a common synchronization code pattern and mutually time-shifted codes of identical pattern are respectively inserted at the transmitting end into vacant time slots of the respective digital signals as the group frame synchronization signals." Therefore, *Takimoto* does not anticipate nor make obvious Applicant's amended Claim 1. In particular, *Takimoto* does not teach or suggest "each header comprising one of the plurality of synchronization patterns." Applicant submits that Claim 1, as amended, is proposed to be allowable and notice to that effect is solicited.

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Amended independent Claims 11 and 20 include substantially the same limitations discussed above in regard to amended Claim 1. As stated above, amended Claim 1 is proposed to be allowable. Therefore, amended independent Claims 11 and 20 are proposed to be allowable for at least the same reasons as amended Claim 1, and notice to that effect is solicited. Furthermore, Claims 2-4, 12-14, and 21-22 are dependent from allowable amended independent base Claims 1, 11, and 20, respectively. Claims 2-4, 12-14, and 21-22 are therefore allowable for at least the same reasons that Claims 1, 11 and 20 are allowable.

New independent Claim 33, which includes substantially the same limitations as amended independent Claim 1 with additional limitations, recites in part, "generating a plurality of synchronization patterns, wherein each of the plurality of synchronization patterns differ from the other synchronization patterns by a multiple of $1/m$ of a symbol-time shift; and encoding each portion of a n portions of an information signal with a header, each header comprising one of the plurality of synchronization patterns, wherein m and n are any positive, non-zero integers such that m is not equal to n ."

Takimoto does not teach or suggest these limitations.

New independent Claim 33 and its dependent Claims 34 and 35 are therefore allowable for at least the same reasons that Claims 1, 11 and 20 are allowable.

Rejections under 35 U.S.C. § 103

Claims 5, 15, 23, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Takimoto* in view of Official Notice.

Applicant respectfully submits that using an m -bit linear feedback shift register to generate synchronization patterns, each with a maximum length sequence of 2^m-1 is not well known in the art, particularly in the context of the Applicant's disclosure. Therefore, the Applicant respectfully calls for an affidavit pursuant to 37 C.F.R. § 1.107(b) by the Examiner, that will be subject to contradiction or explanation by affidavits of the Applicant in a subsequent response by the Applicant.

Furthermore, *Takimoto* fails to anticipate or make obvious Applicant's amended Claim 1 as discussed above. Consequently, dependent Claim 5 based on allowable Claim 1 is also not

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anticipated or made obvious by *Takimoto* in view of Official Notice. Applicant submits that Claim 5 is proposed to be allowable and notice to that effect is solicited.

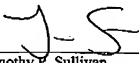
Claims 15 and 23 include substantially the same limitations discussed above in regard to Claim 5. As stated above, Claim 5 is proposed to be allowable. Therefore, Claims 15 and 23 are proposed to be allowable for at least the same reasons as Claim 5, and notice to that effect is solicited.

CONCLUSION

In view of the foregoing remarks, all pending claims are believed to be allowable for at least the reasons stated above and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for Applicant at the telephone number provided below.

Respectfully submitted,

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